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09/667,815	09/22/2000	Migaku Suzuki	K-1926	1115

7590

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EXAMINER

GUARRIELLO, JOHN J

ART UNIT

PAPER NUMBER

1771

DATE MAILED: 04/09/2003

10

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/667815

Applicant(s)

Suzuki et al.

Examiner

John Guarriello

Group Art Unit

1771

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 1/13/2003.
- ☒ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 1 1; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-5, 7-11, 13-15 is/are pending in the application.
- Of the above claim(s) 10, 11 is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-5, 7-9, 13-15 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. (Series Code/Serial Number) _____.
 - ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other _____

Office Action Summary

Art Unit: 1771

DETAILED ACTION

15. The Examiner acknowledges paper # 9 of 1/13/2003, the extension of time, the amendment and the substitute specification. The Examiner notes for the record that claims 10 and 11 are withdrawn as directed to the non-elected invention as stated in paper # 8 of 9/11/2002.

16. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

17. Claims 1-5, 7-9, 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 98/25999 in view of EP 826 349 .

WO 98/25999 (disclosure of EP 947549 is in the same Patent Family and is utilized as a translation of WO'999) describes composite compositions which are highly absorbent with absorbent sheets, (see cites from EP'549,abstract). WO'999 describes the SAP, super absorbent polymer,

Art Unit: 1771

(page 2, lines 34-58). WO'999 describes a non-woven **bulky substrate fabric** for supporting the SAP particles, (page 8, lines 19-58). WO'999 describes at least a two-layer structure with a bulky layer of the non-woven fabric with SAP particles, (page 9, lines 15-50). WO'999 describes adhesion between the sheets or layers can be accomplished with some aspect of bonding, (page 14, lines 5-10). WO'999 describes a micro-network of HFFM fixing the SAP particles in position, (page 6, lines 30-35). It is the Examiner's position that the claimed invention requires at least a layer or sheet with SAP particles bonded with an adhesive (corresponding to the HFFM net or network) to another layer or sheet with absorbent properties for the composite absorbent article.

WO'999 describes the absorbent composition but differs since it is silent about the mesh but describes HFFM as a micro network behaving in the form of an adhesive and about the amount of adhesive and the fineness of the fibers. WO'999 describes fine fibrils in the form of microfibrils intertwined

Art Unit: 1771

with the SAP particles which corresponds to the loose mesh or net of adhesive between the layers or sheets, (see page 14, lines 5-55).

EP'349 describes absorbent articles with an inner sheet and an outer sheet with SAP polymers charged in the recesses, (see abstract). EP'349 describes bonding between the inner sheet and the outer sheet with adhesives, corresponding to hot melt EVA, (ethylene vinyl acetate) among others, (page 3, column 3, lines 57-58; page 3, column 4, lines 1-9).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the hot melt EVA adhesive of EP'349 for the net of HFFM of WO'999 and to optimize the amount of the adhesive component motivated with the expectation that the enhanced bonding between the sheet or layers results, so that there is the better absorption of liquid, (page 16, lines 46-47), WO'999. Regarding the fineness of the fibers, WO'999 describes the microfibrils which overlaps the fineness of the fibers by the definition of microfibrils.

Art Unit: 1771

Applicant's arguments regarding the hot melt adhesive have been considered but the **combination** of references taken as whole strongly suggest to one of ordinary skill in the art the claimed invention.

18. Rejections not maintained are withdrawn.

19. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Art Unit: 1771

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John J. Guarriello whose telephone number is 703-308-3209. The examiner can normally be reached on Monday to Friday from 8 am to 4 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris, can be reached on (703) 308-2414. The fax phone number for the organization where this application or proceeding is assigned is 703-305-5408.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



John J. Guarriello:gj

Patent Examiner

March 27, 2003

April 7, 2003



TERREL MORRIS
SUPERVISORY PATENT EXAMINER
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